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3  
4 BILL NO. Z-76-12-40

5 ZONING MAP ORDINANCE NO. Z-~~Last~~

6 AN ORDINANCE amending the City of  
7 Fort Wayne Zoning Map No. C-12.


8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is  
11 hereby designated a B 1 B District under the terms of Chapter 36,  
12 Municipal Code of the City of Fort Wayne, Indiana, 1946, as  
13 amended by General Ordinance No. 2836 and amendments thereof;  
14 and the symbols of the City of Fort Wayne Zoning Map No. C-12,  
15 referred to therein, established by Section 9, Article III of  
16 said Chapter as amended, are hereby changed accordingly, to-wit:

17 The East 137.2 feet of Lot numbered 46 in  
18 Sylvan Park, Section "B" Addition to the  
19 City of Fort Wayne, In Allen County, Indiana.

20 SECTION 2. This Ordinance shall be in full force  
21 and effect from and after its passage, approval by the Mayor and  
22 legal publication thereof.  
23  
24  
25

26  
27 APPROVED AS TO FORM  
28 AND LEGALITY,  
29   
30 ATTORNEY

31  
32  
33  
34  
35  
  
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hingo, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 12-28-76

Charles W. Hesterman  
CITY CLERK

Read the third time in full and on motion by H. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

~~PASSED~~ ( LOST ) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>0</u>	<u>8</u>		<u>1</u>	
BURNS		✓			
HINGA		✓			
HUNTER		✓			
MOSES		✓			
NUCKOLS		✓			
SCHMIDT, D.				✓	
SCHIMDT, V.		✓			
STIER		✓			
TALARICO		✓			

DATE: 2-22-77

Charles W. Hesterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ( ZONING MAP ) ( GENERAL ) ( ANNEXATION ) ( SPECIAL ) ( APPROPRIATION ) ORDINANCE ( RESOLUTION ) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1976.

ATTEST: ( SEAL )

Charles W. Hesterman  
CITY CLERK

Charles W. Hesterman  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Charles W. Hesterman  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1976, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 28, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-12-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 17, 1977;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 24, 1977.

Certified and signed this  
7th day of February, 1977.

*Joseph N. Adair*

---

Joseph N. Adair  
Secretary

*Hold until  
Feb. 22*

Bill No. Z-76-12-40

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending the City of Fort Wayne Zoning Map No. C-12

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do not PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

*Vivian G. Schmidt*  
*Winfield C. Moses Jr.*  
*William T. Hinga*

MADE A MATTER OF RECORD  
DATE 2-22-77 CHARLES W. WESTERMAN, CITY CLERK

# RECEIPT

Date

Nov 17 76

No.

6881

Received From

Steve Michaels

Address

Fifty dollars

Dollars

50.00

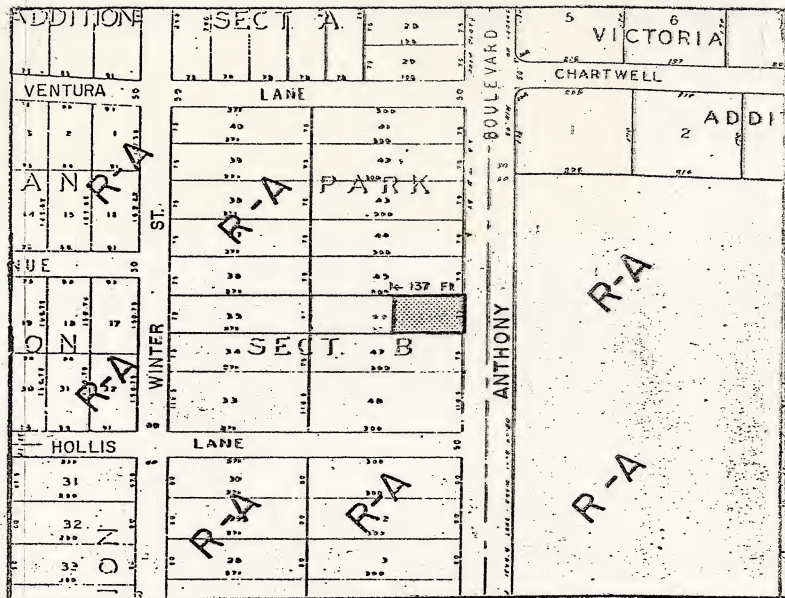
For

rezoning - 6014 So Anthony

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	50 -	CASH	50 -
AMT. PAID	50 -	CHECK	
BALANCE DUE		MONEY ORDER	

COMMUNITY DEVELOPMENT AND PLANNING  
DIVISION OF LONG RANGE PLANNING  
AND ZONING

B. J. City-County Building  
ONE MAIN STREET  
FORT WAYNE, INDIANA 46802



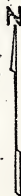
To be rezoned from R-A to B-I-B

11-23-76

C-12

LS

2-76-12-40



PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. \_\_\_\_\_

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Date Filed \_\_\_\_\_

Intended Use \_\_\_\_\_

I/We Steven Lee Michaels

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an B+ RA district to a/an B1B district the property described as follows:

Address and Legal Description of property

6014 South Anthony Blvd. 10 feet 137.2 feet of  
Lot numbered 46 in Sylran  
Park, Section "B" (Addition to the City of Ft. Wayne,  
in Allen County, Indiana) East 137.2 feet.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Hildegard Mueck</u>	<u>6014 So. Anthony Blvd.</u>	<u>Hildegard Mueck</u>
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

Legal Description Checked By: \_\_\_\_\_  
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Steven Lee Michaels 6014 South Anthony 46816

(Name) (Address) (Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE, INDIANA, 46802 Telephone Number: 423-7571

RECEIVED

JAN 24 1917

FOR  
PLAN COMMISSION

P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME

ADDRESS

<u>Mr. Paul C. Jones</u>	<u>10064 Turtle Creek Dr.</u>
<u>Mrs. Bonnie Greene</u>	<u>10064 Turtle Creek Drive</u>
<u>Frederic M. Coates</u>	<u>1841 Cauldwing Road</u>
<u>Mrs. W. D. Wingfield</u>	<u>2717 E. Maple Grove</u>
<u>Shirley Jones</u>	<u>2833 Trentman Ave.</u>
<u>Charles Vanderhaar</u>	<u>6015 Auburn Ave.</u>
<u>Wm. W. Cotton</u>	<u>5435 Betty Blvd</u>
<u>Harry Long</u>	<u>6551 Bunt Drive</u>
<u>John W. Mayo</u>	<u>7310 S. Anthony Blvd.</u>
<u>Glenda Davis</u>	<u>7312 S. Anthony Blvd.</u>
<u>R. J. King</u>	<u>7111 S. Anthony Blvd.</u>
<u>A. J. Helmsing</u>	<u>5821 S. Anthony Blvd.</u>
<u>Sam W. Wiedeloh</u>	<u>5727 S. Anthony Blvd.</u>
<u>Donald Dushman</u>	<u>5820 S. Anth. Blvd.</u>
<u>Mrs. Dale Meyer</u>	<u>5818 S. Anthony Blvd</u>
<u>James R. Reed</u>	<u>755 Decker Rd</u>
<u>Henry Stillhorn</u>	<u>120 Cauldwing Rd.</u>



# P E T I T I O N

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NAME

ADDRESS

David R. Manton

5116 Comelat

James A. Damm

2289 Carroll Cir

Charles W. Johnson

3907 Chmont Ave

E. Mullin

1008 Paulding Pl.

D. H. CUNNINGHAM

10744 U.S. 27 South

Linn. Pallone

4507 S.W. Anthony Wayne DR.

R. Stephen Hobbs

6331 Greenwillow dr. (4474471)

Larry Repine

1612 Elmrow

Ralph Sheets

4810 Reed St

James A. Hatt

10719 U.S. 27 South

Robert E. Rayl

4220 Rickfield Lane

Dennis Brunson

5918 Wessel Park

Tatky Crammer

4515 Beaver

Joseph Crammer

4515 Beaver

Ann Marris

1610 Kelley Dr.

Kenneth Johnson

512 Piccadilly Circle

Ed Meredith

2903 Cypress St.

Carl H. Hewitt

3306 Chmont ave.

Ronnie Graham

412 Corwin Lane

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME

ADDRESS

Sam E. Bury

1827 Chestnut

Lawrence B. Jones

5934 Guild House

Robert B. Jones

3520 Sullivan Road

Henry L. Howard

4320 Alvarado Dr

Chuck Hart

2621 Starkdale

Godi L. Davis

4619 Standish Dr.

Roger Fair

4513 Worling Dr.

Michael Elinger

6221 Salisbury Dr.

Dave Kait

6816 Autumn View Dr.

Jack W. Hanna

1937 Gladstone Dr.

Erby B. Murrell

2038 Gladstone Dr.

Dennis Murrell

6331 Derbyshire Dr.

*President of Neighborhood Association*

Ann McNeill

6331 Derbyshire Dr.

Mary Ann Bickley

2010 Montford

Myron Bickley

2010 Montford

Jim Deaton

2002 Montford

M.H. Miller

2005 Montford Dr.

Debra A. Kelly

2011 Montford Dr.

Kene A. Bryan

2023 Montford Dr.

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME

ADDRESS

Judith D. Catterman	4620 Winter St.
John Bell	4620 Winter St.
Kim Cordes	4530 Winter St.
Kevin Peck	5106 Plaza Dr.
Kim Peck	5106 Plaza Drive
Tracy Peck	5106 Plaza Drive
Delores Peck	5106 Plaza Drive
Braim Peck	5106 Plaza Drive
R.B. Munro	5801 So. Anthony
D. Hart	4205 Bowser Ave -
V. D. B. Rte	6005 S. Anthony Blvd.
Hester	6005 S. Anthony
McGowan	6301 S. Anthony Hook Ave
M. Stog	5837 Bunt Dr.
Frank Davis	2914 Chestnut
Richard M. Dwy	1178 St. Mary's Ave.
Delores M. Johnson	512 Piccadilly Circle
William J. Riche	6214 Dacor Drive
Wing	3246 Abbott St.

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME	ADDRESS
Randy Salway	3017 Tillman Road
Robert Allen	3520 E. Ruddisill
Dave Deon	7555 Decatur Rd.
Jeff Miller	4507 South Anthony
Greg Schmidt	3322 Babwood Dr.
Phil Church	5310 Plaza Dr.
JEFF FREEMUTH	4508 S. Colonial
Greg Jeffers	2104 Chouteau
Regina Rayman	5313 Plaza Drive
Scott Simon	6034 Waycross Dr.
Ernest Cook Jr.	6716 Waycross Dr.
Doug Stas	2606 Riverside Dr.
Johnny Taylor	2515 Homewood Dr.
LEE SPRINGER	4810 Casa Verde Dr.
Fred Osburn	3631 Hesson Coasel
Chris Clark	3802 McKinney Ave.
Julian Jones	4421 SW. Anthony Wayne Dr.
Rhonda Hoy	2534 Palisade Dr.
Ann Wilson	3218 McKinzie Ave.

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME

ADDRESS

CURT NEWMAN

5313 PEARA DRIVE

LARRY NIEMEYER

114 E. FOSTER PARKWAY

BILL MICHAEL

4503 S. ANTHONY

RICHARD BECK

4401 GATWOOD DR

JAN HOSSEN

6805 WINTER ST.

DAN FELGER

5412 STANDISH DR.

PHIL VOLBERT

3499 SANDPOINT RD

MICHAEL E. KENDLER

5414 W. 4<sup>TH</sup> ST.

DAVID KALAVITZ

2724 E. PAULDING RD #6

JEFF P. OYER

2724 E. PAULDING RD #6

RICK A. MARKS

4401 BOWSER

MILLIE LORCO

3206 ABBOTT

DAVE SPRINGER

6207 S. HANNA ST.

MIKE ZIFFMAN

1607 GARDENDALE

GEORGE W. TRACY

3918 S. HANCOCK CITY

KARL KELLER

5707 DECATUR RD.

WILLIAM WRIGHT

624 E. JEFFERSON

ALBERTA BRWIN

OFFICE SERVICE CITY COUNTY BLDG.

DIAN MICHAS

864 GREEN OAK

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME	ADDRESS
George H. Hahn	6206 S. Anthony
Ellie L. Hahn	6206 S. Anthony
Deanna Kinder	1616 Hollis Lane
Danny Kinder	1616 Hollis Lane
Paul J. Berry	1707 E. Hollis Lane
Theresa Berry	6212 Winter St.
Mark Morin	6212 Winter St.
Nancy Ann Berry	1707 E. Hollis Lane
Gayle Berry	1707 E. Hollis Lane
Georgia J. Hoevel	5838 S. Anthony Blvd.
Howard Hoevel	5838 S. Anthony Blvd.
Dawn Hoevel	5838 S. Anthony Blvd.
Julia Mendia	1708 Ventura Lane
Pamela Zepeda	1708 Ventura Lane
Helen Meyer	1703 Ventura Lane
Gene Grepper	1703 Ventura Lane
Sharon Smith	1606 Ventura Lane
Bonnie Burk	5825 Winter St.
Richard L. Burk	5825 Winter St.

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME	ADDRESS
Denny McCullough	2903 Alexander St.
Judy Roe	2824 1/2 Broadway
C. David Long	1419 FARWOOD
Larry E. Conell	1416 FARMINGDALE AVE
Helen Parker	RR2 Woodburn
Barbara Kimmel	1402 Farwood
Chen R Kimmel	1462 Farwood
Ethel June Rossen	6505 Winter St
Jail Kevin Densen	6505 Winter St.
Margie Joy	1223 Farwood
Bell Jay	1223 Farwood
Diane Sarazin	1815 Farwood Ave
Rodger Sarazin	" " " "
Roseann Hohenstein	6125 Hystone Dr.
Donald Hohenstein	6125 Hystone Dr.
Carl A. Harber	1730 VENTURA LANE
Lynn I Harber	1730 Ventura Lane
Larry Marin	6212 Winter St.
Montie Chunn	1612 E Hollis Ln.
Hany V Chunn	1612 E Hollis Lane.



# P E T I T I O N

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NAME	ADDRESS
<u>Jeff Stockley</u>	<u>3710 McKinnis Ave</u>
<u>Mark Zimmarok</u>	<u>4516 Sanford Lane</u>
<u>Wayne E. Redwinski</u>	<u>5812 Winter St.</u>
<u>Wayne E. Redwinski</u>	<u>5812 Winter St.</u>
<u>Robert P. Davis</u>	<u>1626 E Paulding Rd</u>
<u>Clara L. Davis</u>	<u>1626 E. Paulding Rd.</u>
<u>James J. Jonsack</u>	<u>6009 Winter St</u>
<u>Christine J. Jonsack</u>	<u>6009 Winter St.</u>
<u>Dorothy Hunter</u>	<u>6015 Winter St.</u>
<u>Kevin Hunter</u>	<u>6015 Winter St</u>
<u>Mrs. Charles Minnick</u>	<u>1521 Farwood</u>
<u>Mr. Charles Minnick</u>	<u>1521 Farwood</u>
<u>Luis M. Kemelley</u>	<u>1510 Farwood</u>
<u>Harold E. Kemelley</u>	<u>1510 Farwood</u>
<u>Barry T. Kemelley</u>	<u>1510 Farwood Ave.</u>
<u>Paul R. Castel</u>	<u>1506 Farwood Ave</u>
<u>Louis N. Castel</u>	<u>1506 Farwood Ave.</u>
<u>Bennett R. Orr</u>	<u>1507 Farwood Ave.</u>
<u>Barbara J. Orr</u>	<u>1507 Farwood Ave.</u>



# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME

ADDRESS

Gamon Franko

1916 Embassy Dr.

James E. Van Dyck

1924 Embassy Dr.

Ed M. Yergow

1938 Embassy Dr.

Mike Daily

6121 Guild Dr.

Ron Barton

6127 Guild Dr.

Philip Camp

6133 Guild Dr.

Jessie House

6115 Guild Dr.

John Haywood

6103 Guild Dr.

# P E T I T I O N

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NAME

ADDRESS

<u>L. W. H. H. H.</u>	<u>1809 Gladstone Dr.</u>
<u>Mrs. Hala F. Rosenberger</u>	<u>1810 Gladstone Dr.</u>
<u>Mrs. Ken Lockus</u>	<u>1826 Gladstone Dr.</u>
<u>Mrs. Ted Riley</u>	<u>1916 Gladstone Dr.</u>
<u>W. R. H. H.</u>	<u>1932 Gladstone Dr.</u>
<u>Mrs. Marilyn K. Miller</u>	<u>4507 S. Anthony</u>
<u>Renee L. Woods</u>	<u>2017 Gladstone Dr.</u>
<u>Barbara Howell</u>	<u>2007 Gladstone Dr.</u>
<u>John Hoffman</u>	<u>1937 Gladstone Dr.</u>
<u>Judy Kulp</u>	<u>1907 Embassy Dr.</u>
<u>Shelia L. Wilson</u>	<u>1915 Embassy Dr.</u>
<u>E. A. Hoffman</u>	<u>2133 Embassy Dr.</u>
<u>Mrs. Roger Ruffy</u>	<u>2134 Embassy Dr.</u>
<u>Lorraine Brase</u>	<u>2124 Embassy Dr.</u>
<u>Robert W. Kempt</u>	<u>2116 Embassy Dr.</u>
<u>Mrs. H. H. H. H.</u>	<u>1818 Embassy</u>
<u>Bill Carey</u>	<u>1826 Embassy Dr.</u>
<u>Gloria Carey</u>	<u>1826 Embassy Dr.</u>
<u>Paul R. R.</u>	<u>1834 Embassy Dr.</u>

P E T I T I O N

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NAME

ADDRESS

Isaac Whitelaw

2722 Weisser PK

R. T. Whitelaw

2722 Weisser PK

Alfred McQuary

2711 John St.

Diane Dole

4109 Winter St.

Doug Van Dusen

1943 Chantwell Drive

Rick Jenkins

4710 Paulding Rd

Larry Anshie

1426 Curdes Lane

Judi Anshie

1426 Curdes Ave.

# P E T I T I O N

We, the undersigned, who reside in an area which is near to, surrounding, or affected by, the piece of property now designated as Michaels' CB Radio Shop, do hereby declare that we are not opposed to the rezoning of such property and hereby ask the Plan Commission to recommend rezoning.

NAME	ADDRESS
al Marshall	2202 Bathings Dr
Davello	5401 Senato Ave
Rick Badia	3512 Clermont Ave
Brian Darley	2703 E. Maple Grove
Steve Appleby	2704 Ridgeway
Liane Zelp	2916 Wellview
Dennis Newman	5313 Plaza Drive
Ferry M. Connell	7525 Easing Ct.
Jim John	5918 ADAMS CTR
Geri Schneider	4008 Maxwell Road
John Becker	3010 Audie Ln
Alan Shaw	1920 Fox Print Trail
S. Balone	4507 Anthony Wayne Dr.
Matthieu Parlane	4507 Anthony Wayne
Phil Laughlin	4609 Salisbury Str.
John Rodriguez	1615 SEDDLEMAYER RD.
Lee Poppy II	1353 Fayette Dr.
Mr Richard L. Ritchhart SR	2426 TRENTMAN ave
Mr. S. Richard L. Ritchhart SR	2426 Trentman ave.

P E T I T I O N

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NAME

ADDRESS

Debbie Johnson

512 Piccadilly Cr.

Robert L. Hira

6217 Oregon Dr.

Gregory J. Spaulding

5709 Hessen Cassel

Lori Jones

3824 E Rudinill

Vincent R. O'Leary

1128 St. Mary's Ave.

James A. Simmons

4835 Bowser Ave

# P E T I T I O N

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NAME	ADDRESS
<u>Bryan A Thomas</u>	<u>6241 S Hawthorn Blvd</u>
<u>Erica Thomas</u>	<u>624 S. Anthony Blvd.</u>
<u>Jilly Boster</u>	<u>1114 Journal</u>
<u>P. Jean Longworth</u>	<u>1131 Farwood</u>
<u>Richard J. Longworth</u>	<u>1131 Farwood</u>
<u>Fredrick A. Schrey</u>	<u>1202 Farwood</u>
<u>Mary J. Schrey</u>	<u>1202 Farwood ave</u>
<u>Law W. Smith</u>	<u>1224 Farwood Ave</u>
<del><u>[Signature]</u></del>	<del><u>[Signature]</u></del>
<u>M. Jean Flager</u>	<u>813 Ventura Lane</u>
<u>Adam H Flager</u>	<u>" " "</u>
<u>Naomie Hike</u>	<u>810 " "</u>
<u>Beyra King</u>	<u>828 Ventura Lane</u>
<u>Gella M. King</u>	<u>828 Ventura Lane</u>
<u>Mary Lou Fox</u>	<u>917 Ventura Lane</u>
<u>Edwin P. Fox</u>	<u>917 Ventura Lane</u>
<u>Robert A. Melcher</u>	<u>2942 Euclid Ave.</u>
<u>Neil D. Housholder</u>	<u>1306 McKinnis Pk.</u>
<u>Henry Schreyer</u>	<u>5031 South Hanna</u>

Nov 76  
 Rezoneing of Barber Shop  
 to Michaels E B Shop

✓ George H. Hahn	6206 S. Anthony
✓ Alice L. Hahn	"
✓ Ethel J. Hahn	6505 Winter
✓ Hilola J. Thomas	6214 S. Anthony
✓ Edna Bauer	6222 S. Anthony
✓ Ernest J. Bauer	"
✓ Dorothy Schwoywalder	6320 S. Anthony
✓ B. G. Blech	6312 S. Anthony
✓ Wm. H. Blech	6328 S. Anthony
✓ Mike Colman	"
✓ Joan L. Colman	"
✓ Maria H. Sallust	6332 S. Anthony
✓ Jane King	6432 S. Anthony
✓ Emory E. King	"
✓ Byron A. Thomas	6214 S. Anthony
✓ Henry J. Kinder	1616 E. Hollis Ln
✓ Deanna J. Kinder	"
✓ Monte Chamm	1612 "
Joan Ott	6431 Winter
✓ Mrs. J. Haffner	6328 "
✓ Mack Marin	6212 "
✓ Nancy Berry	1707 E. Hollis Ln
✓ Louis J. Berry	"
✓ Howard A. Berry	5735 S. Anthony Blvd.
✓ Gertrude E. Berry	5735 S. Anthony Blvd.
✓ Harold O. Dickman	2237 E. Pontiac St
	(Q. 67 Pontiac Express)

BILL 76-12-40

JAN 24 1977

NAME \_\_\_\_\_

FORT WAYNE ADDRESS  
PLAN COMMISSION

PHONE

447-2237

PLAN COMMISSION		447-2237
1. Mary McClain	"	"
2. Eugene McClain	"	"
3. Clyde F. McClain	"	"
4. William McLaughlin	2033 Embassy	447-9644
5. Miriam McLaughlin	2033 Embassy	447-9644
6. Joseph Jurt	2033 Embassy	447-9644
7. <del>William</del> Consalvo	2107 Embassy Dr.	447-2114
8. Rodney W. Consalvo	2107 Embassy Dr.	447-2114
9. Rex Williams	2023 Embassy Dr.	447-1634
10. Harriet Williams	2023 Embassy Dr.	447-1634
11. William E. Hesse	2130 Embassy Dr.	447-6741
12. Mary E. Hesse	2130 Embassy Dr.	447-6741
13. Roger Kuffley	2135 Embassy Dr.	447-4854
14. La. Almont	2206 Embassy Dr.	447-9195
15. Ireata Reichert	2216 Embassy Dr.	447-1759
16. Norma Campbell	2123 Embassy Dr.	447-1852
17. Rex O. Perry	2115 Embassy Dr.	447-2163
18. Francis Perry	2115 Embassy Dr.	447-2163
19. Welf Williamson	2015 Embassy Dr.	447-2449
20. Ardneill Williamson	2015 Embassy Dr.	447-2449
21. Peg White - 1937	Embassy Dr.	447-9126
22. Ronald N. White 1937	Embassy Dr.	447-9126
23. Willard B. Thell 1931	Embassy Dr.	447-6930
24. Virginia Thell 1931	Embassy Dr.	447-6930
25. M. O. D. Penn. 1923	Embassy Dr.	447-9253



The undersigned do hereby oppose the rezoning of the property  
at 8016 South Anthony for the purpose of restricted business.

NAME	ADDRESS	PHONE
26. Osie Lapsley	1923 Embassy Dr	447-9253
27. Penny L. Wilson	1915 Embassy Dr.	447-6216
28. Dorothy M. Wilson	" "	" "
29. Annie B. Bray	61833 Embassy Dr.	447-6622
30. Billy Bray	1833 Embassy Dr.	" "
31. Mary B. Bray	1809 Embassy Dr.	447-9221
32. Charles B. Bray	1809 Embassy Dr.	447-9221
33. Catherine Heersche	1810 Embassy Dr.	447-2663
34. William H. Heersche	1818 Embassy Dr.	447-3603
35. Robert Menges	2008 Embassy Dr.	447-9142
36. Mrs. Robert Menges	2008 Embassy Dr.	447-9142
37. Joseph Horstman	2007 Embassy Dr.	447-2050
38. Carolyn Schwanke	2024 Embassy Dr.	447-5265
39. Stella Dugree	2120 Montford Dr.	447-1003
40. E. F. Dugree	2120 Montford Dr.	447-1003
41. Velma L. Dugree	2110 Montford Dr.	456-2302
42. Rita Grant	2121 Montford Dr.	447-6083
43. Dale Woods	2017 Gladstone	447-9249
44. E. K. Howell	2007 Gladstone	447-3454
45. Mary C. Bucher	1931 Gladstone	447-2386
46. Jerry Friedley	1915 Gladstone Dr.	447-3433
47. Virginia K. K.	1907 Gladstone Dr.	447-1059
48. Pedro Heredia	1833 Gladstone Dr.	447-2357
49. W. L. Heredia	1833 Gladstone Dr.	447-2347
50. Linda Baker	1825 Gladstone Dr.	447-2328
51. R. E. Hillitt	1817 Gladstone Dr.	
52. M. A. Hillitt	1817 Gladstone Dr.	
53. M. R. Teeper	2024 Gladstone	
54. Debra Schmincker	2017 Montford Dr.	447-2492
55.		

Bill 76-12-40

The undersigned do hereby oppose the rezoning of the property at 6016 South Anthony for the purpose of restricted business.

NAME	ADDRESS	PHONE
55 Charles F. Woods	6425 Salisbury Dr.	447-2240
56 Mrs. Joseph Luzzo	6417 Salisbury Dr.	447-1295
57 Catherine Laugel	6409 Salisbury Dr.	
58 Eileen Widemann	6325 Salisbury Dr.	447-1233
59 Kelly Sherman	6317 Salisbury Dr.	447-2672
60 John W. Sypter	6233 Salisbury Dr.	447-3277
61 Johann M. Septer	" "	" "
62 Paula J. Forte	6227 Salisbury	447-2668
63 Alice Pitt	" "	
64 Robin Lynce	2114 Asquith	447-1929
65 Vicki Schrock	2107 Asquith	447-5759
66 Judy Schrock	2107 Asquith	
67 Tony Billman	6222 Derbyshire	447-3839
68 Pat Billman	6222 Derbyshire	447-3839
69 Andrea McCallister	6210 Derbyshire	447-4744
70 Anne McCallister	6210 Derbyshire Dr.	447-4744
71 Sharon H. Schrock	6220 Derbyshire	447-3439
72 801 Hart	6025 Derbyshire	447-6120

Sill 76-12-40

The undersigned do hereby oppose the rezoning of the property at 6016 South Anthony for the purpose of restricted business.

	Name	address	Phone
73	Mr & Mrs Lloyd Gustafson	6426 Salisbury Dr.	447-4923
75	Mrs. J. L. L. L. L.	6418 Salisbury Dr.	447-3294
76	Mrs. J. L. L. L.	6334 Salisbury Dr.	447-3243
77	Gloria Harmon	6220 Salisbury Dr.	447-1695
78	Mr & Mrs. Leonard Winsett	6125 Salisbury Dr.	447-5746
79	Mr. Mrs. Anne Jensen	6104 Salisbury	447-6924
80	Mr & Mrs James E. Borden	6126 Salisbury Dr.	447-2466
81	Don Archer	6217 Derbyshire Dr.	447-2997

2-76-12-40

MEMORANDUM OF LAW IN SUPPORT OF BILL NO. Z-76-12-40

TO: FORT WAYNE PLAN COMMISSION

I.C. (1971) 18-7-5-1, which sets out the duties, powers and objectives of the City Plan Commission, sets forth that one of the objectives to be achieved by the creation of a local Plan Commission is to "plan for the future development of ... communities to the end that the needs of agriculture, industry and business be recognized in the future growth." After considering these needs, the City Plan Commission acts in an advisory capacity to the City Council.

Pursuant to I.C. (1971) 18-7-5-60, the City Council must in its establishment of use districts:

pay reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the city or county.

Although the above statute allows for the establishment of use districts, it has been held in State ex rel. Michigan City Plan Commission v. LaPorte Superior Court No. 1, a 1973 Indiana case, that any amendments to zoning ordinances must be reasonable. The case further states that the same standard used in the original zoning ordinance must be employed when any zoning amendments are contemplated. Therefore, both the City Plan Commission and the City Council have been mandated by the State Legislature to consider the existing conditions, the future needs of the area and the most desirable use for which the land may be adapted when considering amendments to zoning ordinances.

Several recent Indiana cases have held that where the rezoning of an area would have been reasonable under the circumstances, failure to grant such a rezoning by the City Council constituted an unconstitutional deprivation of property. In

City of Evansville v. Reis Tire Sales, Inc., a 1975 Indiana case, 333 N.E.2d 800, the trial court held a portion of a city zoning ordinance unconstitutional. In that case, the owner filed an application for rezoning which was subsequently denied by the Evansville Common Council. The court entered judgment for the owner of the land, holding that the zoning ordinance as it applied to the real estate was an unconstitutional taking of property in violation of Sections 21 and 23 of Article I of the Constitution of Indiana and the Fifth and Fourteenth Amendments of the United States Constitution. In its opinion, the court stated:

Zoning is a proper exercise of the police powers of the state ... However, the exercise of this power may result in a taking of one's property without just compensation and in violation of constitutional law ... A zoning ordinance which prevents the use of a particular property for any reasonable purpose is unconstitutional. (Emphasis ours)

In Metropolitan Board of Zoning Appeals v. Sheehan Construction Co. (1974), 313 N.E.2d 78, the owner who wished to construct a shopping center in a single family residential area presented evidence that his property was no longer suited for the designated use of single family residential housing. He presented exhibits which depicted the changed character of the area and the numerous exceptions which presently existed to the designated zoning restriction. A representative of the planning and zoning commission opposed the owner, asserting that although there was expanding commercial development, the property should be maintained in a residential use as a buffer between the commercial development and existing residential areas. The court, however, stated that:

The development of the area through the granting of numerous variances has resulted in distorting the restrictive zoning classification profile. That profile has ceased to project an image of any meaningful purpose which is directly related to the public welfare. This meaningless, useless and distorted zoning profile which denies any reasonable use to the property owner

is an unconstitutional deprivation of property. The commercial proliferation of this area by the granting of variances has so changed its character that the zoning restrictions placed upon it are no longer realistic or meaningful. The enforcement of such restrictions can only result in an unconstitutional deprivation of property.

Additionally, in the Board of Zoning Appeals of New Albany v. Koehler, a 1963 Indiana case, 194 N.E.2d 49, the court ruled that

A legislative body cannot arbitrarily interfere with private business or impose unnecessary restrictions on lawful occupations under the guise of protecting public interests.

It was further held in Penn v. Metropolitan Plan Commission of Marion County (1967), 228 N.E.2d 25, 141 Ind. App. 387, that a rezoning will not be invalid as "spot zoning" even though reclassification affects only a single piece of property if such rezoning is reasonable. The court went on in that case to say that where a rezoning will not interfere with the health, education, safety and morals of the community, the denial of the rezoning petition is an infringement of the Fourteenth Amendment.

Indiana courts have continuously followed the great weight of American authority in determining the issue of "spot zoning."

In Ewing v. Springfield (Mo. App.), 449 S.W.2d 681, the court held that if one parcel of property has been zoned for use as a retail sales district and if another parcel, similarly situated, was zoned as multifamily, a rezoning of the multifamily parcel to a retail sales use did not constitute "spot zoning." Rather, the court said, it would be "spot zoning" to continue to restrict the multifamily parcel to that use. Thus, a refusal to rezone the hobby-radio shop could, in light of this ruling, constitute a species of "spot zoning."

It was further held in Broadway Apts., Inc. v. Longwell (Mo. App.), 438 S.W.2d 451, that the rezoning of a tract to commercial was not out of harmony with, nor without reference to



public welfare, where the area in which the tract was situated was rapidly expanding and developing into sites for high-density residential buildings, shopping centers and the like; and, therefore, a rezoning did not constitute "spot zoning."

Additionally, where city ordinances classified frontage property along both sides of a main road for about five miles as business commercial zones, as is the case here, the court held that a rezoning of appendage property was not "spot zoning." Bartlett v. Middletown, 51 N.J.Super. 239, 143 A.2d 778.

Thus, courts have consistently ruled in cases, similar factually to the case at hand, that the rezoning of property to commercial business does not constitute "spot zoning." In fact, it has been held that a refusal to rezone in a commercially developing area could, in effect, constitute "reverse spot zoning." Therefore, in light of the existing commercial conditions of the immediate area, not only would the rezoning of the proposed hobby-radio shop to BlB not constitute "spot zoning"; but the act of refusing such a rezoning could very well be termed illegal "spot zoning."

In light of the existing conditions of the area, recommendation of passage of the Bill for the rezoning of 6014 South Anthony Boulevard to BlB is "reasonable."

Directly across the street from the proposed hobby-radio shop, a major shopping center will be constructed. Presently, both Hook's and Frank's are viewable from the doorway of the proposed hobby-radio shop.

In recent years, areas both north and south of the subject property have developed commercially. Here, as in Metro-politan Board of Zoning Appeals v. Sheehan Construction Co., supra, the facts clearly indicate that the property is no longer suited for the designated use of single family residential. It is no longer reasonable to believe that individuals will seriously consider that property or the surrounding area

as suitable for raising families. Certainly, the area is not suited for small children; and certainly, parents do consider the welfare of their children when contemplating a purchase of a dwelling house. Furthermore, properties remaining in the area are depreciating in value as residential and increasing in value as commercial.

The area has become suited for expanding, but monitored, commercial development. The expansion of South Anthony Boulevard to a four-lane thoroughfare has understandably increased both the volume and speed of the traffic and thus enhanced the commercial character of the surrounding area. Within a short distance, a McDonald's, a Hall's, a Taco Bell, a Rogers Supermarket, Don Pedro's Restaurant, The Lamp Post Restaurant, a Sunoco Station, a Shell Station, and the Victoria Square Apartment Complex have been developed.

More importantly, directly across the street from the proposed hobby-radio shop, a professional office building complex, a Hammond Organ Store and the newly proposed Victoria Square Shopping Center are located.

The Indiana courts have clearly stated that if the commercial proliferation of an area has so changed its character that the zoning restrictions placed upon it no longer are realistic or meaningful, the enforcement of those restrictions becomes unreasonable and constitutes a deprivation of property in violation of both the Indiana and United States Constitutions. In the instant case, the property in question is appraised for residential purposes at \$2940.00. The owner has been offered \$14,000.00 for the property as a commercial use. Obviously, a refusal to rezone would deny the owner of this profit and, therefore, constitute a deprivation of property in violation of the State and Federal Constitutions.

The single word which both the Indiana Legislature and the Indiana courts repeatedly stress is "reasonable." Is the



proposed use of the land reasonable in light of the existing commercial conditions and changes which have occurred in that area over the past 10 years? Would it be reasonable or realistic to believe that individuals will seriously consider an area directly across the street from a shopping center to be a residential one, ideal for the raising of small children?

Is it now reasonable to believe that the future development of the surrounding area will be commercial and not residential?

The planned, soon to be constructed shopping center, is a strong indication of the present continuing trend of the ever-expanding commercial development of the surrounding area.

Thus, we respectfully submit that the subject property, with a planned use as a hobby-radio shop, should be rezoned to B1B in keeping with the character of the surrounding area and in keeping with the area's commercial zoning classification profile.

# ZONING PROFILE

N  
↑

FIRE HOUSE  
CHURCH  
MCDONALDS  
FUNERAL  
OFFICE / ZESTO / HALLS

SHELL  
LIQUOR STORE  
HOUSE  
VACANT  
RENT, PROP

HOUSE  
↓  
VACANT  
↑  
HOBBY SHOP  
OWNER'S HOUSE  
VACANT  
HOLLIS

↑  
HOUSES  
↓

CABAR

↑  
HOUSES  
↓

SOUTH DALE  
MASONVILLE CONC.  
VFW

CARDEN DALE  
VACANT  
HOUSE  
VACANT

SEDDLEMEYER  
JUNK YD  
ANIMAL CLINIC  
CLARK  
DON PEDRO  
SUNOCO

QUICK MART.  
K-MART

TALO BELL  
SHOPPING CNTR (ROGER'S)  
OFFICE  
MR. DONUT

PAUL DING

SUNOCO / COMMERCIAL  
LAMP POST  
APARTMENTS

VENTURA

APARTMENTS  
OFFICE BLDG.  
HAMMOND ORGAN  
PROPOSED SHOPPING CNTR  
HOOK'S  
FRANK'S  
HOUSE

GLADSTONE  
HOUSE

HOUSE  
EMBASSY

HOUSE  
↑  
LUTHERAN HOME

HOUSE  
FORT WAYNE BICYCLE

↑  
HIRES  
↓  
VACANT  
↑

TILLMAN

SEAVILLE STATION  
RCA  
HYR-WAY

ANTHONY

LAW OFFICES

LEBAMOFF & ASSOCIATES

IVAN A. LEBAMOFF  
NANCY G. ESHCOFF

1416 ANTHONY WAYNE BANK BUILDING  
FORT WAYNE, INDIANA 46802

219-423-2581  
CABLE: LEBAMOFF, FORT WAYNE

January 24, 1977

TO: FORT WAYNE PLAN COMMISSION

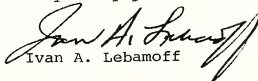
RE: BILL NO. Z-76-12-40

As the attorneys representing the petitioners in the above captioned matter, we respectfully request that the City Plan Commission defer acting upon Bill No. Z-76-12-40 until the February 28, 1977 executive meeting.

A series of new developments which have recently occurred have necessitated this request. Consequently, decisions which require more time than is available must be made concerning this petition.

Therefore, we respectfully ask that the City Plan Commission honor our request for deferment.

Very truly yours,

  
Ivan A. Lebamoff

IAL:ddc



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance

3-76-12-40

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the  
following described property:

The East 137.2 feet of Lot numbered 46 in Sylvan Park, Section "B"  
Addition to the City of Fort Wayne, in Allen County, Indiana.

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.)

Regulation Jha

DATE SUBMITTED: \_\_\_\_\_